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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,195	03/14/2001	Philip D. Mooney	MOONEY 64	1728

7590 07/14/2005

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EXAMINER

CRAVER, CHARLES R

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,195

Applicant(s)

MOONEY, PHILIP D.

Examiner

Charles R. Craver

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tillgren in view of Bell, US Pat 6,600,902.

Claims 8, 13: Tillgren discloses a means and method for remotely answering a cellular telephone call over a piconet network, comprising establishing a network including a cellular telephone (104) and a remote device (102) in direct communication and routing audio from the cellular telephone to the remote device (col 11 lines 57-67, col 13 lines 10-15). Tillgren discloses a headset, but fails to disclose that it is a cellular telephone device. However, Bell discloses that a piconet network may be operated using a number of connected devices, which may be piconet-only devices or may be piconet-able cellular telephones (col 4 lines 24-41, col 1 lines 8-17) in a similar system to that taught by Tillman (FIG 1). Therefore, it would have been obvious to one of ordinary skill in the art, given that Tillman discloses the use of a piconet cellphone as the PSTN master, to use a piconet cellphone as the remote, given the disclosure of Bell.

Claims 9, 14: Tillgren discloses that calls are established from the cellular telephone under control of the piconet remote device. **Claims 10, 15:** Bell and Tillman disclose BLUETOOTH audio. **Claims 11, 16:** despite the fact that Tillgren in view of Bell fails to

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disclose a scatternet connection, such was well-known at the time of the invention, and as such the examiner takes Official Notice of such a feature, asserting that one of ordinary skill in the art would have considered such a feature as it was a standard and available at the time. **Claims 12, 17:** the combined invention of Tillgren in view of Bell would inherently include at least one identifier for an authorized headset/phone.

Claims 18 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tillgren in view of Bell and Tuoriniemi.

Claims 18, 23: Tillgren discloses a means and method for remotely answering a cellular telephone call over a piconet network, comprising establishing a network including a cellular telephone (104) and a remote device (102) in direct communication and routing audio from the cellular telephone to the remote device (col 11 lines 57-67, col 13 lines 10-15). Tillgren discloses a headset, but fails to disclose that it is a cellular telephone device or a ring. However, Bell discloses that a piconet network may be operated using a number of connected devices, which may be piconet-only devices or may be piconet-able cellular telephones (col 4 lines 24-41, col 1 lines 8-17) in a similar system to that taught by Tillman (FIG 1), and Tuoriniemi discloses a remote device connected to a cellular telephone which may ring when a call is incoming (col 6 line 39-col 7 line 8, col 11 lines 40-67). Therefore, it would have been obvious to one of ordinary skill in the art, given that Tillman discloses the use of a piconet cellphone as the PSTN master, to use a piconet cellphone as the remote, given the disclosure of Bell, and to add a ring, given that Bell discloses that the remote may be a standard cellular

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phone. **Claim 20:** multiple remote users would be rung in the case where the invention of Tillgren in view of Bell and Tuoriniemi is used in a group calling scenario, the application of which would have been an obvious use to one of ordinary skill in the art.

Claim 21: Tillgren and Bell disclose BLUETOOTH. **Claim 22:** Tuoriniemi discloses sending a ring indication from the phone to the remote.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tillgren in view of Bell and Tuoriniemi as applied to claim 18 above, and further in view of Wingate, US Pat 6,006,115.

While disclosing applicant's invention of claim 18 above, Tillgren in view of Bell and Tuoriniemi fails to disclose ringing both the phone and the remote. However, Wingate discloses that a standard phone may ring in order to notify a user of a headset, and also that the headset may be rung as well (col 4 lines 14-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Tillgren in view of Bell and Tuoriniemi, as Wingate discloses that such makes sure that the user is alerted.

Response to Arguments

Applicant's arguments with respect to claims 1-7 have been considered and are persuasive.

Applicant's arguments with respect to claims 8-17 have been considered and are persuasive.

Regarding claims 8 and 13, the examiner notes that claims 8 and 13 are broad, and as such numerous works of prior art apply. Note that all claims 8 and 13 recite is a routing audio from a portable phone to a piconet device, which reads on any number of BLUETOOTH enabled headsets for cellular telephones. While the applicant asserts that claims 8 and 13 recite a step of "routing an incoming call to a cellular telephone over a piconet to another telephone device," such a feature is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Similarly, regarding claims 18 and 20-23, said claims merely recite a piconet device connected to a wireless telephone which may ring based on call data. Tillman in view of Bell and Tuoriniemi discloses such a device, as Tillman and Bell disclose the use of connected piconet devices such as headsets, and Tuoriniemi discloses the utility of providing a headset for a cellular phone which may selectively ring based on call data. As to claim 19, the only addition is that both devices are rung, which is expressly disclosed as a benefit by Wingate.

Allowable Subject Matter

Claims 1-7 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 1 teaches towards a cordless telephone in a PSTN gateway role for allowing a remote piconet device to answer a call for a cellular device, as stated in page 7 of applicant's arguments dated 4-15-05. The prior art fails to teach or suggest the combination of cellular device, PSTN cordless telephone gateway and piconet front end in the same device.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

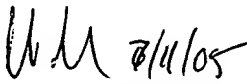
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Craver whose telephone number is 571-272-7849. The examiner can normally be reached on M-F 8:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cc
July 11, 2005


CHARLES CRAVER
PRIMARY EXAMINER